

Message

From: McGill, Thomas [Mcgill.Thomas@epa.gov]
Sent: 9/10/2020 8:29:30 PM
To: Kupchan, Simma [Kupchan.Simma@epa.gov]; Hurlid, Kathy [Hurlid.Kathy@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]; Beck, Whitney [beck.whitney@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: RE: URGENT (for attorneys) - please see OFR's comment about **Ex. 5 AC/DP**
Attachments: FR 2020-19881_2647049 (fr markup retun 9.10.20 2.41 pm) (FR response) R4 response.docx

Mita and Matt agreed with Simma's suggestion, so I incorporated Simma's language in the response to the OFR comment and sent it on to OP. Thanks so much for everyone's quick help with this! Fingers crossed...

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Thursday, September 10, 2020 3:55 PM
To: McGill, Thomas <Mcgill.Thomas@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: URGENT (for attorneys) - please see OFR's comment about **Ex. 5 AC/DP**

We could write that:

Ex. 5 AC/DP

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: McGill, Thomas <Mcgill.Thomas@epa.gov>
Sent: Thursday, September 10, 2020 3:50 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Subject: RE: URGENT (for attorneys) - please see OFR's comment about **Ex. 5 AC/DP**

I spoke with my contact with OP who indicated that we should provide our best argument as concisely as possible in a comment bubble within the document in response to the OFR comment. It may not be realistic to quickly draft an

argument that would compel OFR to see it our way, but if anyone has any suggestions of language to send back I would welcome it. I also welcome any other suggestions from those of you that may have experience working with OFR. My sense is we may need help from Dave/David/Mary to work with/through Brittany to resolve the issue with OFR. Tom

From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Thursday, September 10, 2020 3:25 PM

To: Hurld, Kathy <Hurld.Kathy@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

Subject: RE: URGENT (for attorneys) - please see OFR's comment about

Ex. 5 AC/DP

Ex. 5 AC/DP

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hurld, Kathy <Hurld.Kathy@epa.gov>

Sent: Thursday, September 10, 2020 3:16 PM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

Subject: RE: URGENT (for attorneys) - please see OFR's comment about

Ex. 5 AC/DP

Just to be understand, is this the OFR or epa's office that is also called the OFR? On call with John G. Right now. He suggests we need to push back as we don't have time to reformat and resign and publish by the 16th. We covered this with Brittany Bolen's office that this is

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

John says Dave Ross is willing to weigh in if we need him to explain why this is a

Ex. 5 AC/DP

From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Thursday, September 10, 2020 3:08 PM

To: McGill, Thomas <Mcgill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

Subject: RE: URGENT (for attorneys) - please see OFR's comment about

Ex. 5 AC/DP

I didn't see that comment. I see redlined "Notice and request for comments." Am I missing something?

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: McGill, Thomas <McGill.Thomas@epa.gov>

Sent: Thursday, September 10, 2020 3:00 PM

To: Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

Subject: URGENT (for attorneys) - please see OFR's comment about

Importance: High

Ex. 5 AC/DP

Please see OFR's comment at the top of the document

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Franks, Martin <Franks.Martin@epa.gov>

Sent: Thursday, September 10, 2020 2:52 PM

To: McGill, Thomas <McGill.Thomas@epa.gov>

Cc: Drake, Julie <Drake.Julie@epa.gov>; Franks, Martin <Franks.Martin@epa.gov>; EPA-FederalRegisterLiaison <EPA-FederalRegisterLiaison@epa.gov>

Subject: FR 2020-19881 FRL-10014-54-Region 4

Hi Tom

Please review the attached OFR Word file with edits to your document. Upon your review, if you agree with their edits, please reply by noting that the changes are "approved." If you have any concerns, please use the comment feature in the OFR Word file.

Do not use the "accept" nor "reject" feature for any of the changes, please leave the redline/strikeout if it's apparent in the OFR Word file.

Thanks,

Martin V. Franks

**Federal Register Liaison
Regulatory Management Division
Environmental Protection Agency
Washington, DC 20460
Tel. 202-564-1172**